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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/928,798	08/13/2001	Min-Ho Song	678-677 (P9669)	8091

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EXAMINER
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HAILU, TADESSE

ART UNIT	PAPER NUMBER
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2173

MAIL DATE	DELIVERY MODE
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10/29/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

09/928,798

Applicant(s)

SONG, MIN-HO

Examiner

Tadesse Hailu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 10 August 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1 and 2 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 2 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

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**DETAILED ACTION**

1. This Office Action is in response to the AMENDMENT submitted (with RCE ) August 10, 2007.
2. The Affidavit under rule 130, 131 or 132 submitted August 10, 2007 has been considered and entered into the file.
3. The Certified Copy of Foreign Priority Paper submitted August 10, 2007 has been considered and entered into the file.
4. The submitted 37 C.F.R. § 1.131 DECLARATION OF PRIOR INVENTION MADE IN THE REPUBLIC OF KOREA overcomes cited patent publication, Kinnunen et al (2001/0021649). Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made Sim in view of Deluca (US 5,784,001).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1 and 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sim, Seng-Wook et al (European Patent Application Publication No. (EP 1039 768 A2) in view of Deluca (US 5,784,001).

Mobile messaging encompasses a number of technologies and services enabling the exchange of messages between mobile users. The present invention is an improvement over the existing mobile messaging, that is, Short Messaging Service (SMS). The service allows the transfer of short text messages between mobile users. Similarly, Sim et al (EP 1 039 768 A2) is also directed to the same invention. Consequently Sim et al also anticipates the claims of the current invention.

With regard to claim 1:

As illustrated in Figs. 5, 6A and 6B and as described in paragraphs [0051]-[0058], Sim discloses a method similar with the present invention, that is, Sim discloses a method of transmitting data, such as graphic data (using a data transmitting apparatus of Fig. 2) for a digital mobile phone using a short message service (SMS). The method of Sim also discloses data storage section for storing the transmitted and received short message service blocks (Fig. 2, #28, [0025], [0032]).

The method also discloses selecting and reading out the graphic data out of a plurality of stored graphic data for transmission (Sim, paragraphs 52 and 53).

The method also discloses views illustrating the display state, displaying the selected image file on a display of the mobile phone (see Fig. 9A, the third screen, wherein the selected [1]: A is displayed for read out, also see paragraphs 52-53).

The method also discloses confirming the displayed image by marking or selecting the graphic data, e.g., the selection [1]: A, the user desires to transmit to another device (Fig. 9 A, third screen, paragraphs 53-54). As illustrated in Fig. 9, the

user accepts or confirms the displayed graphic data to be transmitted to the indicated/displayed destination.

The method also discloses inputting (or accepting) originating and terminating (destination) phone numbers in which information is exchanged (Sim, paragraph 52).

The method further discloses transmitting the SMS message having graphic data and header information (or user data) for indicating (or visually recognize) to the receiver phone the type of data received (Sim, paragraph 54).

As illustrated in Figs. 7, 8A and 8A and as described in paragraphs [0059]-[0067], Sim discloses a method similar with the present invention, that is, Sim discloses a method of receiving data, such as graphic data (using a data receiving apparatus of Fig. 3) for a digital mobile phone using a short message service (SMS). As described in the above paragraphs, especially in paragraph 61, Sim describes the receiving step recited in the claim, receiving the transmitted SMS message having data of the image file or graphic data and the header information (as shown in Fig. 4) in the received mobile phone having memory (fig. 3, #33) for storing image file. Sim also describes, especially in paragraph 62, storing the received graphic data in permanent storage location (e.g., memory 33).

Furthermore, while Sim describes detecting whether graphic data transmission headers are included in the received SMS blocks and storing such graphic data in flash memory (38) or temporary storage section 38 (par. 46) if detected, Sim, however

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is silent in notifying or alerting the user and displaying a predetermined icon for such the detected graphic data .

However, it is known in the art, upon receipt of an incoming call or message, to alert the user of the mobile device. For example, the mobile device may display a small envelope icon upon receipt of a voicemail or SMS message, and may be set to ring if it receives and incoming call.

For example, Deluca discloses a method and apparatus for presenting graphic messages in a data communication receiver. Deluca describes that once the data communication receiver has decoded and stored a message, message reception is announced to the user by, for example, an alert such as an audible tone or predetermined icon (column 1, lines 14-27).

Deluca and Sim are analogous art because they are from the same field of endeavor, presenting graphic messages in a data communication receiver (mobile phone). At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine Deluca's received graphic message alert mechanism with Sim's detected graphic message because as graphic messages are detected in the header user is alerted e.g., via iconic display a presence of graphical messages in the SMS header, so that the alert mechanism serves as a feedback to the user. Therefore, it would have been obvious to combine Deluca with Sim to obtain the invention as specified in claim 1.

With regard to claim 2:

Sim in view of Deluca further discloses transmitting the graphic data in a plurality of repeated (successive) SMS message block (Fig. 4) if the data amount of the graphic data is judged to exceed the final bit allowed for the SMS block (Sim, Figs. 6A and 6B, paragraphs 25, 39, and 57).

### CONCLUSION

6. Examiner has pointed out particular references contained in the prior arts of record in the body of this action for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and Figures may apply as well. It is respectfully requested from the applicant, in preparing the response, to consider fully the entire references as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior arts or disclosed by the examiner.

7. Information regarding the status of an application may be obtained from the patent application information retrieval (PAIR) system. Status information for published application may be obtained from either Private –PAIR or Public-PAIR. Status information for unpublished applications is available through Private-PAIR only. For more information about the PAIR system, please see [pair-direct.uspto.gov](http://pair-direct.uspto.gov) web site. Should you have questions regarding access to the PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

8. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Tadesse Hailu, whose telephone number is (571) 272-


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4051. The Examiner can normally be reached on M-F from 10:30 – 7:00 ET. If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, John Cabeca, can be reached at (571) 272-4048 Art Unit 2173.

*Examiner Tadesse Hailu*

*Art Unit 2173 – Operator Interface*

10/22/07

  
TADESSE HAILU  
PRIMARY EXAMINER